

ORDER RECEIVED FOR FILING
Date 5/24/91
By [Signature]

IN RE: PETITION FOR ZONING VARIANCE
NE/S 68th Street, 575' SE of
Pulaski Highway
(1201 68th Street)
15th Election District
7th Councilmanic District
Baltimore Gas & Electric Co.
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 91-339-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a rear yard setback of 5 feet in lieu of the required 30 feet and a side yard setback of 5 feet in lieu of the required 30 feet for a proposed warehouse and loading dock, a side yard setback of as close as 2 feet in lieu of the required minimum of 30 feet for existing Building 1, a rear yard setback of as close as 3 feet in lieu of the required minimum of 30 feet for existing Buildings 1 and 2, a distance between existing Buildings 1 and 2 of as close as 6 feet in lieu of the required 60 feet, a distance between existing Buildings 3 and 4 of as close as 55 feet in lieu of the required 60 feet, and a distance of 800 feet from a residential zone in lieu of the required 1,000 feet, all as more particularly described on Petitioner's Exhibit 1.

The Petitioners, by W. F. Colburn, Esquire, appeared, testified and was represented by Robert A. Hoffman, Esquire. Also appearing and testifying on behalf of the Petition were Rick Bauer and Walter A. Reiter, Jr. Jr., with BG & E's Environmental Programs Division, and Brian F. O'Connor. There were no Protestants.

Testimony indicated that the subject property, known as 1201 68th Street, consists of 2.268 acres zoned M.H.-I.M. and is improved with four one-story buildings. Said property is located within the Chesapeake Bay

Critical Areas near Redhouse Run. Petitioners are desirous of constructing a one-story block warehouse and loading dock as depicted on Petitioner's Exhibit 1 for use in conjunction with the existing public utility facility. Petitioners' Counsel testified that due to the location of existing improvements on the subject property, the relief requested is necessary in order to construct the proposed warehouse and loading dock. Testimony and evidence presented indicates that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding area. Counsel for Petitioners argued to deny the relief requested will create practical difficulty and unreasonable hardship for Petitioners.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay

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Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is

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By [Signature]

compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of May, 1991 that the Petition for Zoning Variance to permit a rear yard setback of 5 feet in lieu of the required 30 feet and a side yard setback of 5 feet in lieu of the required 30 feet for a proposed warehouse and loading dock, a side yard setback of as close as 2 feet in lieu of the required minimum of 30 feet for existing Building 1, a rear yard setback of as close as 3 feet in lieu of the required minimum of 30 feet for existing Buildings 1 and 2, a distance between existing Buildings 1 and 2 of as close as 6 feet in lieu of the required 60 feet, a distance between existing Buildings 3 and 4 of as close as 55 feet in lieu of the required 60 feet, and a distance of 800 feet from a residential zone in lieu of the required 1,000 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of

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Environmental Protection and Resource Management, as set forth in their comments dated April 29, 1991, attached hereto and made a part hereof.

JRH:bjs

J. Robert Haines
Zoning Commissioner
for Baltimore County

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 24, 1991

Robert A. Hoffman, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
NE/S 68th Street, 575' SE of Pulaski Highway
(1201 68th Street)
15th Election District - 7th Councilmanic District
Baltimore Gas & Electric Co. - Petitioners
Case No. 91-339-A

Dear Mr. Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,
J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

Chesapeake Bay Critical Areas Commission
Taxes State Office Building, D-4, Annapolis, Md. 21404

DEPRM

ORDER RECEIVED FOR FILING
Date 5/24/91
By [Signature]

- 5 -

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-339-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 256.1 to permit a rear yard setback of five (5) feet and a side yard setback of five (5) feet rather than the required 30 feet in connection with the construction of a warehouse and loading dock at Petitioner's existing building facility; in addition, for existing building #1, a side yard setback of as close as 2 feet in lieu of the required 30 feet for existing Building 1, a rear yard setback of as close as 3 feet in lieu of the required 30 feet for existing Buildings 1 and 2, a distance between existing Buildings 1 and 2 of as close as 6 feet in lieu of the required 60 feet, a distance between existing Buildings 3 and 4 of as close as 55 feet in lieu of the required 60 feet, and a distance of 800 feet from a residential zone in lieu of the required 1,000 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I do solemnly declare and affirm under the penalties of perjury, that I we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

John B. Howard, Esquire

(Type or Print Name)

Signature

210 Allegheny Avenue, P. O. Box 5517

Address

Towson, MD 21204

City and State

Attorney's Telephone No.: 822-8111

Legal Owner(s):

Baltimore Gas and Electric Company

(Type or Print Name)

Signature

G. O. Schwartz, Jr.

Vice President - General Services

(Type or Print Name)

Signature

P. O. Box 1475

Address

Baltimore, MD 21203

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

William F. Colburn, Esquire

Name

P. O. Box 1475

Address

Baltimore, MD 21203

City and State

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 24th day of May, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 30th day of April, 1991, at 11:30 o'clock A.M.

Noted 4/30/91 By JRH
Any Time On Day
1st Hearing Time

(over)

DESCRIPTION
Fee Property
Route 40 East Service Center

91-339-A

ALL that lot or parcel of land lying and being in the Fifteenth Election District of Baltimore County, State of Maryland and described as follows:

BEGINNING for the same at a pipe set on the Northernmost Right of Way of 68th Street, said point being situated 575 feet Southeastly from the intersection of the Northernmost Right of Way of 68th Street and the Easternmost Right of Way of Pulaski Highway, said intersection also being North 58 degrees 55 minutes East 49.12 feet from the end of the 10th or North 22 degree 40 minute 46 second West 302.55 foot line of a parcel of land which by Deed dated April 19, 1955 and recorded among the Land Records of Baltimore County in Liber G.L.B. No. 2681, folio 383, was granted and conveyed by Champion Brick Company of Baltimore County to Rosedale Realty Corporation, thence leaving the said point of beginning and running and binding with the Northernmost Right of Way of 68th Street, South 40 degrees 46 minutes 57 seconds East 450.99 feet to a pipe set on the 8th line of the aforesaid tract of land, thence running and binding reversely with a part of said 8th line North 67 degrees 13 minutes 03 seconds East 236.58 feet to a concrete monument thersert; thence leaving the said 8th line and running for new lines of division North 40 degrees 46 minutes 57 seconds West 224.10 feet to a concrete monument thersert; thence South 49 degrees 13 minutes 03 seconds West 25.00 feet to a pipe thersert; thence North 40 degrees 46 minutes 57 seconds West 265.82 feet to a concrete monument thersert; thence South 58 degrees 55 minutes 00 seconds West 202.90 feet to the place of beginning. Containing 2.268 acres, more or less.

BEING all that parcel of land which by deed dated June 10, 1966 and recorded among the land records of Baltimore County in Liber O.T.G. 4628, folio 493 was conveyed in fee by Champion Brick Company of Baltimore County to Baltimore Gas and Electric Company.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15-1 Date of Posting: 4-1-91
Posted for: [Signature]
Petitioner: [Signature]
Location of property: [Signature]
Location of Sign: [Signature]
Remarks: [Signature]
Posted by: [Signature] Date of return: 4-1-91
Number of Signs: 2

CERTIFICATE OF PUBLICATION

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204
887-3353

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-339-A
RE/S 68th Street, 575' SE of Pulaski Highway
1201 68th Street
15th Election District - 7th Councilmanic
Petitioner(s): Baltimore Gas & Electric Company
Baltimore Gas & Electric Company
HEARING: TUESDAY, APRIL 30, 1991 at 11:30 a.m.

Variance to permit a rear yard setback of 5 feet and a side yard setback of 5 feet rather than the required 30 feet in connection with the construction of a warehouse and loading dock at Petitioner's existing public utility facility; to permit for existing building #1, a side yard setback of as close as 2 feet in lieu of the required 30 feet and a rear yard setback of as close as 3 feet for existing buildings #1 and #2 in lieu of the required 30 feet; to permit a distance between existing buildings #1 and #2 of as close as 6 feet and a distance between existing buildings #2 and #4 of as close as 60 feet in lieu of the required 60 feet; and to permit a distance of 800 feet from a residential zone to line of the required 1,000 feet, if the Zoning Commissioner decides it is necessary.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222 March 28, 1991

THIS IS TO CERTIFY, that the annexed advertisement of Baltimore County Zoning Office - Notice of Hearing - Case #91-339-A - P.O. #J111249 - Reg. #M46345 - was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for One successive weeks before the 29th day of March 1991; that is to say, the same was inserted in the issues of March 28, 1991.

Kimbel Publication, Inc.
per Publisher.

By Kimbel Publication

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

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RE/S 68th Street, 575' SE of Pulaski Highway
1201 68th Street
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Petitioner(s): Baltimore Gas & Electric Company
Baltimore Gas & Electric Company
HEARING: TUESDAY, APRIL 30, 1991 at 11:30 a.m.

Variance to permit a rear yard setback of 5 feet and a side yard setback of 5 feet rather than the required 30 feet in connection with the construction of a warehouse and loading dock at Petitioner's existing public utility facility; to permit for existing building #1, a side yard setback of as close as 2 feet in lieu of the required 30 feet and a rear yard setback of as close as 3 feet for existing buildings #1 and #2 in lieu of the required 30 feet; to permit a distance between existing buildings #1 and #2 of as close as 6 feet and a distance between existing buildings #2 and #4 of as close as 60 feet in lieu of the required 60 feet; and to permit a distance of 800 feet from a residential zone to line of the required 1,000 feet, if the Zoning Commissioner decides it is necessary.

ROBERT HAINES
Zoning Commissioner of
Baltimore County
3222 Mar 28

CERTIFICATE OF PUBLICATION

TOWSON, MD. 4-1-91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3-28-91.

THE JEFFERSONIAN.

S. Zeke Olson
Publisher

\$ 53.94

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account R-001-6150
Number

receipt

Date

Cashier Validation

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date

Cashier Validation

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 4/16/91

Baltimore Gas & Electric Company
P. O. Box 1475
Baltimore, Maryland 21203
ATTN: WILLIAM E. CULBERT, ESQ.

RE:
Case Number: 91-339-A
RE/S 68th Street, 575' SE of Pulaski Highway
1201 68th Street
15th Election District - 7th Councilmanic
Petitioner(s): Baltimore Gas & Electric Company
HEARING: TUESDAY, APRIL 30, 1991 at 11:30 a.m.

Dear Petitioner(s):

Please be advised that \$ 148.94 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: John B. Howard, Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

MARCH 1, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-339-A
RE/S 68th Street, 575' SE of Pulaski Highway
1201 68th Street
15th Election District - 7th Councilmanic
Petitioner(s): Baltimore Gas & Electric Company
HEARING: TUESDAY, APRIL 30, 1991 at 11:30 a.m.

Variance to permit a rear yard setback of 5 feet and a side yard setback of 5 feet rather than the required 30 feet in connection with the construction of a warehouse and loading dock at Petitioner's existing public utility facility; to permit for existing building #1, a side yard setback of as close as 2 feet in lieu of the required 30 feet and a rear yard setback of as close as 3 feet for existing buildings #1 and #2 in lieu of the required 30 feet; to permit a distance between existing buildings #1 and #2 of as close as 6 feet and a distance between existing buildings #2 and #4 of as close as 60 feet in lieu of the required 60 feet; and to permit a distance of 800 feet from a residential zone to line of the required 1,000 feet, if the Zoning Commissioner decides it is necessary.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Baltimore Gas & Electric Company

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

April 10, 1991

John B. Howard, Esquire
210 Allegheny Avenue
P.O. Box 5517
Towson, MD 21204

RE: Item No. 320, Case No. 91-339-A
Petitioner: Baltimore Gas & Electric
Petition for Zoning Variance

Dear Mr. Howard:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JILLIE MINARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. G. D. Schwartz
Baltimore Gas & Electric Company
P.O. Box 1475
Baltimore, MD 21203

111 West Chesapeake Avenue
Towson, MD 21204

Your petition has been received and accepted for filing on the 6th day of March, 1991.

J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

CHAIRMAN
Zoning Plans Advisory Committee

Petitioner: Baltimore Gas & Electric, et al

Petitioner's Attorney: John B. Howard

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: March 14, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Baltimore Gas and Electric Company, Item No. 320

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm
ITEM320/ZAC1

received
3/15/91

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: March 8, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Rahee J. Fanni

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: March 5, 1991

This office has no comments for items number 320, 324, and 326.

Rahee J. Fanni
Rahee J. Fanni
Traffic Engineer II

RJF/lvd

received
3/12/91

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

MARCH 14, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: BALTIMORE GAS AND ELECTRIC COMPANY

Location: #1201 68TH STREET

Item No.: 320 Zoning Agenda: MARCH 5, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Capt. James Kelly* 3-14-91
Fire Prevention Bureau
Special Inspection Division

JK/BEF

received
3/21/91

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: March 4, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for March 5, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 320, 324 and 326.

For Item 323, the previous County Review Group Comments are still applicable.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

received
3/21/91

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Ms. Ann Nastarowicz
Deputy Zoning Commissioner

DATE: April 29, 1991

FROM: Mr. David Flowers, Coordinator,
Chesapeake Bay Critical Area Program

SUBJECT: B, G & E Route 40 Public Utility Storage Yard

The Critical Area Findings Plan for the B, G & E Route 40 Public Utility Storage Yard does not fully comply with the 10% pollution reduction requirement. More information is needed to complete the review, therefore a findings cannot be written at this time. It is our understanding that options will be explored and the additional information supplied in a timely fashion.

cc: Mrs. Janice Outen
Mr. Robert Hoffman
Mr. G.D. Swartz Jr.
Mr. Richard Bauer

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: June 12, 1991

FROM: Mr. J. James Dieter

SUBJECT: Petition for Zoning Variance - Item 320
B, G & E Route 40 Public Utility Storage Yard
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 1201 68th street in Rosedale. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Baltimore Gas and Electric Company

APPLICANT PROPOSAL

The applicant has requested a variance from section 258.1 of the Baltimore County Zoning Regulations to permit the construction of a warehouse and loading dock. This project proposes to construct a one story block warehouse in an existing B, G & E public utility storage yard. The site is almost entirely within the Chesapeake Bay Critical Area, and is classified as an Intensely Developed Area. The northern corner of the property is located outside the Critical Area. This is where the warehouse is to be located as much as possible.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01.0>

Mr. J. Robert Haines
June 12, 1991
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code, Sec. 22-213(a)>.

Finding: This proposed warehouse is located approximately 1,000 feet from the mean high tide of Moores Run. No disturbance of the shoreline buffer shall occur.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination" <Baltimore County Code, Sec. 22-98>.

Finding: The existing site is almost entirely paved. No disturbance of wetlands shall occur.

3. Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment. The methodology to determine the ten percent reduction in pollutant loadings and acceptable offsets shall conform to the standards and procedures specified in the report "A Framework for Evaluating Compliance with the Ten Percent Rule in the Critical Area" published by the Chesapeake Bay Critical Area Commission and the Maryland Office of Environmental Programs. If new development or redevelopment, using Best Management Practices, cannot achieve the ten percent pollutant loading reduction, quantifiable offsets, either on or off-site, may be approved, if the benefits are obtained within the same watershed and the water quality benefits are equivalent whether on or off the development site." <Baltimore County Code, Sec. 22-218>.

Finding: In order to comply with the above regulation this project proposes to remove paving and to create a 20 foot grass filter strip. This filter strip will treat the runoff generated from the parking lot in the southern portion of the site totaling about one-third of the drainage area. It shall also have a level spreader where the grade is not uniform as shown on the Findings Plan and the sod shall be installed and maintained in accordance with the Findings Plan. A grass filter strip is a recommended Best Management Practice in guidance paper number five titled "A Framework for Evaluating Compliance with the 10% Rule." The combination of removing impervious surfaces and planting the grass filter strip predicts a removal of .45 lbs. of pollutant. This meets the 10% reduction requirement for the redevelopment of this site.

Mr. J. Robert Haines
June 12, 1991
Page 3

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

J. James Dieter
J. James Dieter, Director
Department of Environmental Protection
and Resource Management

JJD:NSS:ju

Attachment

cc: The Honorable Vincent Gardina
The Honorable Donald Mason
Mr. Ronald B. Hickernell
Mr. Richard Filling
Mrs. Janice E. Outen

